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From: CN=Tom Hagler/OU=R9/O=USEPA/C=US
Sent: Mon 6/20/2011 7:13:04 PM
Subject: Suggestions to BDCP MOU
P+Nfor404MOU062011.docx

Mike -

I just reread the MOU in a quiet space, and don't have any substantive changes. This is in part because I vaguely recall being part of the EPA team who worked on the earlier HSR and CalTrans MOUs that were the model. But here are two comments:

- (1) I especially like what you added to the front, where you explicitly articulated who will be relying on this EIS for what permits. That will focus people's minds.
- (2) Trying to be responsive to the CEQ/DOI constellation from last week, I drafted a new section for the MOU where we explicitly agree on the P+N, as published in February 2010 and "interpreted" in October 2010.

However, after talking to Erin and after rereading the MOU and the P+N, I realized that we have only discussed the "NEPA purpose" statement. That is, we haven't really talked about the "NEPA need" statement nor have we ever seen something that could be characterized as a Corps "basic and overall purpose" statement covering the site-specific projects covered by this EIS.

So I'm proposing that you send out this one pager on "Agreement on NEPA Purpose Statement" as a separate attachment for now, rather than putting it into the next draft. We need to talk about whether doing any agreement on purpose makes sense, absent motion on the other parts of the P+N issue.

Erin - This is different from what you saw, only in that I tailored it for "purpose" as opposed to "purpose and need."

Here's the attachment:

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